

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA
NORTHERN DIVISION

2008 JAN 25 P 3:39

UNITED STATES OF AMERICA)

Plaintiff,)

v.)

APPROXIMATELY TWELVE)
THOUSAND (\$12,000) DOLLARS IN)
UNITED STATES CURRENCY)

Defendant.)

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA
CIVIL ACTION NO. 2:07-cv-687-ID

NOTICE OF FILING EVIDENTIARY SUBMISSION

The Defendant files the attached, Defendant's Exhibit A, Dothan Police Department
Offense Report, in support of their Motion For Summary Judgment:

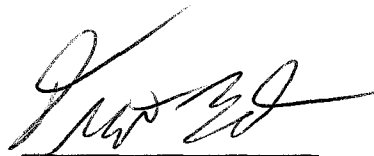


Dustin J. Fowler
Buntin, Etheredge, & Dowling, LLC
185 N. Oates Street
Dothan, Alabama 36301

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion has been mailed by U.S. First Class Mail, postage prepaid, and/or hand delivered to the following of record on this the 25th day of January, 2008.

John Harmon
United States Attorney
Middle District of Alabama
131 Clayton Street
Montgomery, Al 36101-0197

A handwritten signature in black ink, appearing to read 'Dustin Fowler', is written over a horizontal line.

Dustin Fowler

Date: 3/09/07
Time: 13:20:16

DOTHAN POLICE DEPT
Offense Report

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Program: CMS301L

Case No. . . . : 1-07-001547
City : DOTHAN, AL 36303
Home Phone No. : 334/702-1083
Maximum Age . : 25
Birth Country : United States
Oper Lic No. . : 6709248 AL
Sex : MALE
Minimum Height : 511
Employer/Occup : MANAGER CLUB RIO
Misc. ID# . . : 019095
Hair Color . . : Black
Complexion . . : Medium
Arrest Case No.: 1-07-001547

(Continued)

Birth Date . . : 10/03/1981 25
Birth City . . : DOTHAN, AL
Social Security: [REDACTED]
Race : BLACK
Ethnic Origin : Black
Minimum Weight : 225
Juvenile . . . : ADULT
Other ID . . . : 69365
Eye Color . . : Brown
Status : ARRESTED

***** V I C T I M I N F O R M A T I O N - # 1 *****

Case Number . : 1-07-001547 Business Name : CITY OF DOTHAN
Street Number : 210 N SAINT ANDREWS ST
City : DOTHAN, AL 36303
Phone Number . : 334/000-0000 Fax Number . . : 334/000-0000
Victim Type . : STATE/CITY OF DOTHAN

***** N A R R A T I V E # 1 *****

CAD Information Reported By: ARNOLD, RAY M. 1/18/07

Call#: 070180573 Beat: ZONE 12
Units.: 365 Employees: 0000000365 MARTIN, ANDY
Units.: 473 Employees: 0000000473 PARRISH, BRENT
Units.: 489 Employees: 0000000489 ARNOLD, RAY
0000000591 BANKS AUX, WILLIAM
Units.: 684 Employees: 0000000684 WATSON, CHRISTOPHER
Units.: 755 Employees: 0000000755 COCHRAN, BILLY
Veh: 38F412C
Veh: 4126FW
Veh: FORD F1S CW GRY 829WR1 MS 1FTPW12546FA13223
TOW CO: MIKE'S BODY SHOP DATE: 07/01/18 22:50
Call change from S28V to S58 BY CAD05H P 01 0000000061
684 REQ 51A ..ADV'D MUST BE ROLLBACK .. #4
4126FW
489 ADV 10-3 10-31
STAT8 X2 - 1 SUBJ REF S58/ADL STAT8 REF 10-15 REF CARRING
S6FA W/O PERMIT
S48F,,AUTH/684

***** N A R R A T I V E # 2 *****

ORIGINAL Reported By: ARNOLD, RAY M. 1/30/07
Entered By.: ARNOLD, RAY M. 1/30/07

On Thursday 01-18-07 at approx. 2130 hrs Inv. Miller and I were contacted by Sgt. Jackson in reference to a drug deal going down in the rear parking lot of the Holiday Inn Express on the Ross Clark Cir. Jackson stated to me that an anonymous caller called the office and stated that a b/m in a white Chevrolet Suburban and two b/m s in a tan colored Dodge Magnum bearing Alabama Tag 4216FW were making a

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drug transaction while they were on the phone with him.

Inv. Miller and I responded and pulled to the rear of the Holiday Inn. I observed the Dodge Magnum with two b/m s on the north side of the building to the rear stopped. I also noticed the white Chevrolet Suburban behind the Magnum stopped. I approached the Magnum and a strong smell of Marijuana was coming from the vehicle. I looked into the driver s side of the vehicle and I saw a hand gun laying in the driver s floorboard. Miller approached the passenger side and made contact with the passenger.

I had the driver who was later identified as being b/m Derrick Wesley Davis exit the vehicle. I asked Davis if he had any weapons and he stated to me that he did. He stated that he had a hand gun in the floorboard. I placed Davis into custody and I patted him down for weapons and other contraband. During the pat down I felt a large bulge in both of Davis s pants pockets. I asked Davis what the large bulges were and he stated that it was money. Davis said that he had just got his income tax back and it was his tax return.

I recovered the hand gun from the floorboard and the smell of Marijuana was strong inside the car. I looked around the driver s side area and I recovered a small piece of what appeared to be Marijuana Shake from the floorboard between the driver s seat and console. I also recovered another small piece of Marijuana Shake from the passenger side floorboard between the seat and console.

Inv. Miller stated to me that he had recovered a small plastic bag of plant material from the passenger who was later positively identified as being James Moten Simpson s right pants pocket. Simpson was placed into custody for P.O.M.II and placed at the rear of our vehicle and we called for a transport unit. I started a arrest report on Simpson and I later found out by our Jail Staff that Simpson had gave me a false name. Simpson apparently gave me the name of Henry DeJhon Leonard to avoid being arrested for a warrant that he had out of Florida. I later checked with Florida and they denied Extradition.

I then made contact with Davis again and I asked him if he had a permit for the hand gun, he said that he did, and it was in the center console of his vehicle. I looked for the permit and I was unable to find the permit. I also asked Davis how much money was in his possession and he stated to me that he had approx \$8500.00 in cash. I asked Davis where he was employed and he said that he managed Club Rio and some of the money he had came from there.

At that time, Cpl. Martin approached me and advised that Derrick Davis is a known drug trafficker in the Dothan area. Cpl. Martin advised that Derrick Davis is a known associate of B/M Rodney Caliste who is the lone occupant of the white Chevrolet Suburban. Cpl. Martin advised that Caliste had approx. \$6500.00 in his pocket and that his vehicle smelled strongly of fresh marijuana. Cpl. Martin